

Debra P. Hackett
Clerk, U.S. District Court
15 LEE ST STE 206
MONTGOMERY AL 36104-4055

May 05, 2008

Appeal Number: 07-15264-A

Case Style: Allan A. Petersen v. Darlene Drew

District Court Number: 07-00785 CV-F-N ()

TO: Allan A. Petersen (03533-094)

CC: Debra P. Hackett

CC: Administrative File

United States Court of Appeals

Eleventh Circuit
56 Forsyth Street, N.W.
Atlanta, Georgia 30303

Thomas K. Kahn
Clerk

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May 05, 2008

Allan A. Petersen (03533-094)
MONTGOMERY FPC
Maxwell AFB
MONTGOMERY AL 36112-5645

Appeal Number: 07-15264-A
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District Court Number: 07-00785 CV-F-N ()

The following action has been taken in the referenced case:

The enclosed order has been ENTERED.

Sincerely,

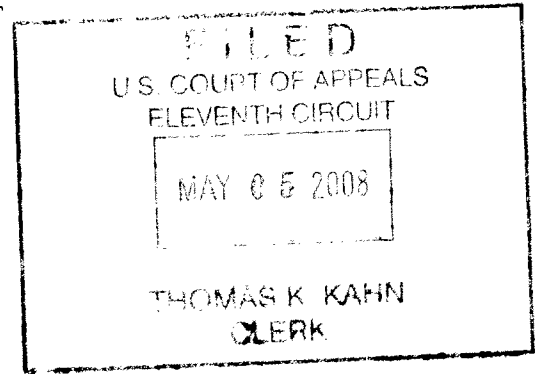
THOMAS K. KAHN, Clerk

Reply To: Deborah Owens (404) 335-6180

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

No. 07-15264-A



ALLAN A. PETERSEN,

Petitioner-Appellant,

versus

DARLENE DREW,
Warden of Federal Prison Camp,

Respondent-Appellee.

Appeal from the United States District Court for the
Middle District of Alabama

Before : **TJOFLAT and BLACK, Circuit Judges.**

BY THE COURT:

Appellant has filed a motion for reconsideration of this Court's order dated March 7, 2008, as well as an addendum to the motion for reconsideration. Upon reconsideration, appellant's motion for a certificate of appealability is DENIED because appellant has failed to make the requisite showing. See 28 U.S.C. § 2253(c)(2); Slack v. McDaniel, 529 U.S. 473, 478, 120 S.Ct. 1595, 1600-01, 146 L.Ed.2d 542 (2000); Wofford v. Scott, 177 F.3d 1236, 1238 (11th Cir. 1999); Walker v. Jones, 10 F.3d 1569, 1572 (11th Cir. 1994). Because appellant's petition for a writ of habeas corpus properly was construed as a motion to vacate his sentence, 28 U.S.C. § 2255, appellant was required to obtain a certificate of appealability to proceed on appeal. See Medberry v. Crosby, 351 F.3d 1049, 1063 (11th Cir. 2003).

Appellant's motion for leave to proceed on appeal in forma pauperis is DENIED AS MOOT.